

ARTICLE NINETEEN

U.S. 31 CORRIDOR OVERLAY ZONE

SECTION 1900 FINDINGS

Conditions along U.S. 31 are unique and are changing in Filer and Manistee Township, the City of Manistee and the Little River Band of Ottawa Indians Reservation. A primary function of this state highway is to move traffic through the City of Manistee, Filer Township, Manistee Township, Little River Band of Ottawa Indians Reservation and to points beyond. Studies of motorists traveling along this segment of U.S. 31 indicate, however, that a very high percentage of the traffic has an origin or destination in the city, townships or reservation. Thus, U.S. 31 also has a secondary, but important, function to provide access to adjacent and nearby land uses.

The need for this overlay district is based, in part, on specific studies for U.S. 31 that conclude the road is in need of improved access management. The road's capacity is insufficient to accommodate volumes in the future. Continued development along the corridor will increase traffic volumes and introduce additional conflict points which will further erode traffic operations and increase potential for crashes. Numerous published studies and reports document the positive relationship between well-designed access management systems and traffic operations and safety. Those reports and experiences of other communities demonstrate that implementing standards on the number and placement of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while providing a good business environment. The standards set forth in this Article are based on recommendations published by various national and Michigan transportation agencies that were refined during preparation of the U.S. 31 Corridor Improvement Plan.

The City of Manistee finds that special comprehensive standards are needed along the U.S. 31 corridor based upon the following findings:

- A. The combination of roadway design, function (arterial highway), traffic speeds, current and projected traffic volumes, traffic crashes and other characteristics necessitate special access standards.
- B. Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.
- C. The standards of this overlay zone are based upon considerable research and recommendations by the Michigan Department of Transportation ("MDOT").

- D. Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts businesses.

SECTION 1901 PURPOSE

The Michigan Department of Transportation has jurisdiction within the highway's right-of-way, while Filer and Manistee Township, Little River Band of Ottawa Indians and the City of Manistee have authority for land use and site plan decisions within individual parcels along the highway. The standards of this overlay district were created to help ensure a collaborative process between the MDOT and the townships, reservation and city on access decisions along U.S. 31 to implement the recommendations of the U.S. 31 Corridor Improvement Plan and other adopted community plans.

Among the specific purposes of this Corridor Overlay Zoning District are to:

- A. Preserve the capacity of U.S. 31 by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access off at cross streets in certain locations.
- B. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- C. Improve safety and reduce the potential for crashes.
- D. Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.
- E. Implement the recommendations of the City of Manistee, Filer and Manistee Township Comprehensive Plans and the U.S. 31 Corridor Improvement Plan.
- F. Require longer frontages or wider minimum lot widths than are required in other zoning districts to help achieve access management spacing standards.
- G. Required coordinated access among adjacent lands where possible.
- H. Require demonstration that resultant parcels are accessible through compliance with the access standards herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Division Act.
- I. Improve situations where existing development within the corridor area does not conform to the standards and intent of this overlay district.
- J. Identify additional submittal information and review procedures required for parcels that front along U.S. 31.
- K. Avoid the need for unnecessary and costly reconstruction which disrupts business

operations and traffic flow.

- L. Ensure efficient access by emergency vehicles.
- M. Improve safety for pedestrians and other non-motorized travelers through reducing the number of conflict points at access crossings.
- N. Establish uniform standards to ensure fair and equal application.
- O. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side street, or the number and location of access may not be the arrangement most desired by the landowner or applicant.
- P. Promote a more coordinated development review process for the townships, reservation and city with the Michigan Department of Transportation and the Manistee County Road Commission.

SECTION 1902 APPLICABILITY

The standards of this Section shall apply to all lands with frontage along U.S. 31 and illustrated as the U.S. 31 Corridor Overlay Zone on the Zoning Map, or within 200 feet of the U.S. 31 right-of-way.

The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. Permitted and special land uses within the U.S. 31 Corridor Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district, with the following additional provisions:

- A. The number of access points is the fewest needed to allow motorists reasonable access to the site.
- B. Access spacing from intersections and other driveways shall meet the standards within the U.S. 31 overlay zone district, and the guidelines of the City of Manistee Department of Public Works and the recommendations of the U.S. 31 Corridor Improvement Plan as appropriate.
- C. Provision has been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the County.
- D. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Overlay Zone Regulations are met and maintained in connection with such building, structure, or enlargement
- E. No land division or subdivision or site condominium project shall be approved within this overlay zoning district unless compliance with the access spacing standards herein is demonstrated.

- F. Any change in use on a site that does not meet the access standards of this overlay district, shall be required to submit a site plan for approval by the Planning Commission and submit information to the MDOT to determine if a new access permit is required.
- G. For building or parking lot expansions, or changes in use, or site redevelopment that cannot meet the standards of this ordinance due to parcel size or configuration, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this overlay district. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, recommendations within the U.S. 31 Corridor Improvement Plan, and any recommendations from the MDOT. Required improvements may include removal or rearrangement or redesign of site access points.
- H. The standards herein were developed collaboratively between the townships, the reservation, the city and MDOT. Where conflict occurs, the more restrictive regulations shall apply.

SECTION 1903 ADDITIONAL SUBMITTAL INFORMATION

In addition to the submittal information required for site plan review in [Article 22](#), the following shall be provided with any application for site plan or special land use review. The information listed in items 1-4 below shall be required with any request for a land division.

- A. Existing access points. Existing access points within 250 feet on either side of the U.S. 31 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
- B. The applicant shall submit evidence indicating that the sight distance requirements of the Department of Public Works are met.
- C. Dimensions between proposed and existing access points (and median cross-overs if applicable in the future).
- D. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the Manistee County Register of Deeds.
- E. Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
- F. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.

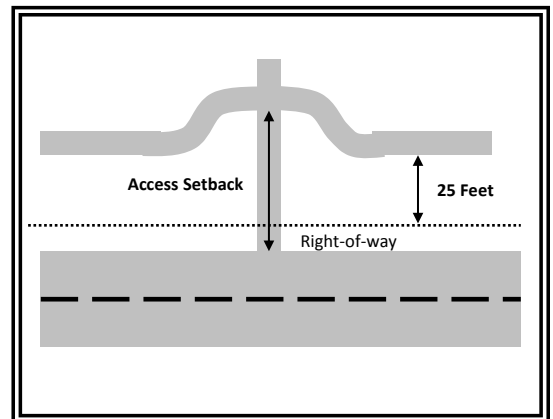
- G. Traffic impact study. Submittal of a traffic impact study may be required for any special land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies. The Department of Public Works may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.
- H. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to the MDOT or Manistee County Road Commission (MCRC) for their information. Any correspondence from the MDOT and MCRC shall be considered during the site plan review process. The Township, City or Little River Band of Ottawa Indians may request attendance at coordination meetings with representatives of the applicable road agency. A review of access shall not be requested from the road agency during a land division or site plan review by the City. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the road agency.

SECTION 1904 ACCESS MANAGEMENT STANDARDS

Access points (not including driveways that serve a single family home, duplex or essential service facility structure) shall meet the following standards. These standards are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the MDOT.

- A. Each lot/parcel shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this overlay district.
- B. An additional driveway may be permitted by the Planning Commission upon finding the conditions 1 and 2, or 3 and 4, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site. Approval by the Planning Commission does not release applicant from having to also obtain approval of applicable road agencies, which may or may not approve the request.

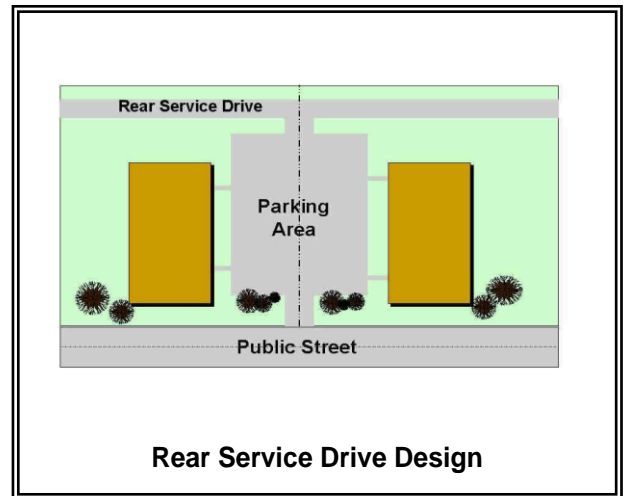
1. The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and
 2. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.
- or
3. A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively if the site has access to a traffic signal, and
 4. The traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.
- C. Access points shall be spaced based upon recommendations of the U.S. 31 Corridor Management Plan, the City Engineer and Michigan Department of Transportation.
- D. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- E. Access points along sections of U.S. 31 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards. The City supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents. In some cases, existing median cuts may need to be redesigned to meet current design standards.
- F. Access points shall be aligned based upon recommendations within the U.S. 31 Corridor Management Plan, the City Engineer and Michigan Department of Transportation.
- G. Minimum spacing of access points from intersections shall be in accordance with the U.S. 31 Corridor Management Plan and the recommendations of the Michigan Department of Transportation.
- H. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.



Frontage roads or service drives shall be constructed in accordance with the following standards:

1. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.

2. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation



3. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.

- I. Driveways shall be located to provide safe sight distance, or as determined by the applicable road agency.
- J. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the abutting property owner.

SECTION 1905 MODIFICATION OF ACCESS STANDARDS

- A. Modification by the Planning Commission. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission as part of the site plan review process upon a finding that all of the following conditions apply:

1. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
 2. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.
 3. The proposed modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.
 4. The proposed modification is consistent with the general intent of the standards of this overlay district and the recommendations of the U.S. 31 Corridor Study.
 5. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along U.S. 31, and is not simply for convenience of the development.
 6. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
 7. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
 8. Indirect or shared access is not reasonable due to practical difficulties.
 9. Such modification shall be demonstrated to be the minimum necessary.
- B. Appeals. The decision of the Planning Commission may be appealed to the Zoning Board of Appeals, in accord with **Section 2209**.